

Tyre Newsome

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Demand for Jury Trial

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Pro Se Filing 24-CV-5265 Tyre Fred Newsome V New York City Family court et al  
Defendants

- 1.The New York City Family Court
- 2.Pamela Scheininger Personal capacity
3. The State Of New York
4. The City of New York
5. Officer Gutierrez of the 50<sup>th</sup> precinct in the Bronx badge number 15714 Personal Capacity
6. Officer Clores, or C. Lores of the 50<sup>th</sup> precinct in the Bronx badge number 11034 Personal Capacity
7. Officer Ortega of the 50<sup>th</sup> precinct in the Bronx badge number 3669 Personal Capacity
8. Officer Lavigat of the 50<sup>th</sup> precinct in the Bronx badge number 10878 Personal Capacity
9. Officer Acevedo of the 50<sup>th</sup> precinct badge number 5491 Personal Capacity
10. Officer Pepdjonovic of the 50<sup>th</sup> in the Bronx precinct badge number19746 Personal Capacity
11. Other officers of the NYPD yet be identified and named
12. The New York City Department of Corrections
13. Detective Kareem Anderson of the 50<sup>th</sup> precinct in the Bronx badge number 6566  
Additional Defendants Personal Capacity
- Patricia De La Cruz, 3240 Netherlands Avenue, apt 1A Bronx New York Personal Capacity
- Officer L. Romero shield number 13951 34th Precinct New York NY Personal Capacity

## Amended Complaint

This is a civil action being brought pursuant to 42 USC 1983. 1983 provides an individual the right to sue state government employees and others acting "under color of state law" for civil rights violations. Title 42, 1983 does not require an exhaustion of judicial, administrative, or state remedies according to *Monroe V Pape*. There have been deprivations of my rights that are secured by the federal laws and the US Constitution, and those deprivations have resulted in serious and immediate irreparable harm and injury, harassment, and bad faith. The Supremacy clause found at article 6 paragraph 2 of the United States Constitution grants concurrent jurisdiction for state and federal claims. Moreover, the Supremacy clause binds judges to act in constitutional manner at all times. *Marbury V. Madison*: 5 us 137 1803 Held "No provision of the Constitution is designed to be without effect, anything that is in conflict is null and void of law...it would bare no power to enforce, it would bare no obligation to obey, it would purport to settle as if it never existed. It operates a near nullity of fiction of law." *Owen V Independence* 100 Vol Supreme Court reports 1398 (1982) and *Maine V. Thiboutot* 100 Vol Supreme Court reports 2502 1982 " the right of action created by statute relating to deprivation under color of law, of a right secured by the constitution and the laws of the United States and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled." "Officers of the court have no immunity when violating constitutional right from liability." *Miranda V Arizona* 384 US 436 held "where rights secured by the constitution are involved there can be no rule or law-making legislation which would abrogate or abolish them" *Monroe v Pape* 365 US 167 1961 held that Any violation of a constitutionally or federally protected right can give rise to a title 42 section 1983 claim. 1983 also gives federal remedy to override discriminatory state laws, to provide federal remedy where state law is insufficient, or to provide federal remedy where the state has a law on paper but not in practice. I will argue that the existing state laws are discriminatory, and that they exist on paper, but not in practice. The enforcement act of 1871 allows the federal government to intervene if a state fails to protect rights. The second enforcement act of 1871 made state officials liable in Federal court for depriving any one of their civil rights, or equal protection of the laws. The federal torts claim act provides remedy if a state officer, agent, or employee causes harm within the scope of their duties. This gives this court Jurisdiction and venue. The younger abstention does not apply because officers of the government from the highest to lowest are creatures of the law, and are bound to obey it. No man is so high that he is above the law

I hereby request a Rule 60 relief from judgement in NYC docket number 0-05764-21 based on Fraud on the court, and a material misrepresentation of the facts.

Officer L Romero shield number 13951 has committed a misdemeanor by making false statements in a written instrument, fabricating evidence to impair and deprive my rights causing serious and immediate irreparable harm.

Defendants have all violated clearly established law and clearly established rights.

Defendants have all caused actual injury in fact justifying at least 9x punitive damages.

Defendants have all violated the civil rights act of 1871 which guarantees the enjoyment of life, liberty, and the pursuit of happiness, with the right to acquire property of all kinds, to possess, and to pursue and obtain happiness and freedom.

Defendants have all made false and fictitious records, tampered with government records, simulated a legal process, impersonated a government agent wholly outside the scope of their authority causing serious and immediate irreparable harm, bad faith, and harassment.

Family court is a court of inferior limited jurisdiction, and they are inflicting cruel and unusual punishment without a trial causing immediate and serious irreparable harm, bad faith and harassment.

Officers possess an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law Enforcement officers or state actors.

Pamela Scheininger acted without any participation of a judge or clerk of the court, without subject matter jurisdiction or rem jurisdiction, arbitrarily and capriciously, to issue extra-judicial wholly unconstitutional orders of protection and custody which have caused serious and immediate irreparable harm, bad faith, and harassment.

The government is a creature of the Constitution, so all action must be in accord with the Constitution.

The City of New York has a practice so common that it might as well be a policy of handing cases to unqualified referees who fraudulently act like judges in order to handle a caseload because there are far too many cases and not enough judges.

Pamela Scheininger's actions constitute fraud on the court by a member of the court, a violation of separation of powers doctrine of the United States constitution, and constitute a constitutional wrongdoing under municipal policy.

Pamela Scheininger a court attorney referee not a judge had absolutely zero authority to issue the orders.

Pamela Scheininger is not a judicial officer, and she was completely and wholly without authority to issue the orders.

Cooper V Pape Held that corrections can be sued under title 42 section 1983.

Pamela Scheininger and all state actors, employees, judges, clerks, lawyers, court officers, named and yet to be named maintain private party liability, and are being sued in their personal capacity. Therefore, please add Pamela Scheiningers name back to the caption.

I contend Pamela Scheinenger and all state actors should not have qualified immunity for ultra vires actions.

Santosky V. Kramer establishes a fundamental right to raise my child, and my child has a parallel right to have a father, interference is violation and deprivation of the fourteenth amendment to the US Constitution. Santosky held "the fundamental liberty interest of natural parents in the care custody and management of their children does not evaporate simply because they have not been model parents or have lost custody to the state temporarily...Parents have a constitutionally protected liberty interest in the custody of their children that is more precious than any property right. In determining that the need to terminate parental rights must be established by clear and convincing evidence.

Pamela Scheininger had absolutely no legal authority to assign custody or terminate or mitigate any of my God given parental rights to my natural children. This deprivation caused serious and immediate irreparable harm. These orders constitute deprivations of the 14<sup>th</sup> amendment no state shall deny a person of life, liberty, or property without due process of law, a parent's custody is a liberty interest within the 14<sup>th</sup> amendment to the US constitution. This is a constitutionally impermissible denial of due process. An act of law repugnant to the constitution is void, per Marbury V Madison (1803)

Government intrusion into the family for purposes of protection must be done in the least obtrusive way with clear and convincing evidence and heightened scrutiny. Section 439 of the Family Court Act states that service of the family court is aimed at restoring the family.

I deny the services of the family court, and the five-year unnecessary order of protection has done the opposite and it has caused immediate and serious irreparable harm.

I have never signed a stipulation agreement stating that Pamela Scheininger has authority to hear and determine. A consent order is non-binding until signed by both parties.

I have never signed a waiver of rights in open court.

I was deprived of the right to a trial by jury as guaranteed by the 6<sup>th</sup> and 7<sup>th</sup> amendments to the US Constitution.

I was denied substantive and procedural due process and equal protection under the law; I am hereby invoking the equal protection and due process clause to the US Constitution. These deprivations have caused immediate and serious harm.

I hereby revoke any consent, implied or tacit acquiescence with the NYC family court.

I do not consent to be governed by the NYC family court, and I do not consent to guardianship of my children TN/AN (initials for minors).

I have the right to resist state intervention into ongoing family affairs.

According to NYCHRL no administrative exhaustion of remedies is necessary.

Irreparable harm is being done in the absence of judicial intervention, as the state deprives me of a fundamental liberty interest in the care custody and control of my children without due process.

On October 21, 2022 Pamela Scheininger acted with deliberate indifference as a court attorney referee in the New York City Family Court and under color of state law where and when she issued custody orders granting custody of my children to their mother and 5-year protection orders that she was totally without any authority to issue.

Federal Equal protection laws mandate both biological parents, natural parents receive equal protection under the law, thus Pamela Scheiningers actions and orders are wholly unconstitutional, thus invalid, and unenforceable.

Family Court referees are not judges, as they don't attend judges' programs. Judges are delegated power from we the people. A delegate cannot delegate.

The entire process has deprived me of fundamental constitutional and legal protections, I was never served with a petition, notice or the custody or protective orders. I have never appeared in open court. I have never had a hearing; I did not receive notice of hearing. There was a suppression of evidence in my favor, and hearsay was introduced as evidence in an ex-parte hearing. This is a pattern and widespread practice of routine and habitual deprivations of civil rights and human rights by Pamela Scheininger and the New York City Family Court.

Pamela Scheininger was not a judge at the time she issued the orders for protection and custody in my case, which closed in January of 2023, she was a court attorney referee. Pamela Scheininger was not appointed judge till September of 2024.

As a court attorney referee, Pamela Scheininger was only allowed to hear and decide cases with a signed stipulation by both parties. I never consented to her authority or jurisdiction, and I never signed a stipulation granting her authority or jurisdiction to make or enforce any legally binding decision for myself or my family. I never signed, consented, or granted jurisdiction to Pamela Scheininger or the NYC family to court, they are trespassers. Therefore, she was completely without authority, subject matter or personal jurisdiction to issue such orders. The Mother of the children and I were not married so custody of our children is a private matter, and I would like for it to remain that way. The orders were issued in bad faith, harassment, and are causing immediate and serious irreparable damage to my life, my mental wellbeing, family, and the mental and emotional wellbeing of my children.

Pamela Scheininger's actions and those named and unnamed NYPD officers have caused tremendous irreparable harm to me, and my family even if acting within the scope of the their duties; although, it is my contention that they were not acting within the scope of their duties as my relationships are private, no stipulations were signed, no crime was committed, and I was not even a resident of the state of New York, in fact I was living over 900 miles away in Georgia.

The court lacked both subject matter and personal jurisdiction.

It is clear that without clear and convincing evidence of abuse or neglect the state has no right to interfere in a parent child relationship. The states unwarranted interference in my private life has caused immediate and serious irreparable damage.

There has not even been a claim of abuse or neglect of the children to justify a five-year protection order. This order of protections is and has been causing serious and immediate irreparable harm to my family unit.

Legally it is understood that a father's right to his child is a fundamental liberty, and unwed fathers should have the same rights and government protections as mothers.

Custody can only be determined through due process, NY is a 50/50 state, so the only law ful determination that could be made is 50/50 custody.

I am a private person, and issues involving my children are private. It is my wish to raise my children as I see fit without any state interference.

The orders for custody and protection are completely unconstitutional as they are deprivations violating the first amendment by disallowing my free expression with my children. I am also being deprived of my interest in the care, custody, and control of my children, my liberty interest is being infringed, my right to pursuit of happiness is being deprived by unconstitutional and illegal orders of protection and custody issued by Pamela Scheininger on October 21, 2022 in the NYC family court.

Derosé V Derosé held “so long as a parent adequately cares for his or her children, there will normally be reason for the state to inject itself into the realm of the family.”

Also, my first amendment right to religious expression is being deprived by the Orders for protection and custody as raising my children as I see fit without any government interference in my opinions is one of the greatest things of significance in my religion. These deprivations are causing irreparable harm.

The protective orders also are violating the second amendment to the US constitution depriving me of the right to bear arms as they prohibit my right to bear arms without substantive or procedural due process. I have not been convicted of any crimes associated with violence, so it is unconstitutional to infringe on my right to bear arms in any way. The deprivation of my right to bear arms is harassment and it causing serious and immediate irreparable harm to my life and my family.

I have been deprived of my rights under the 4<sup>th</sup> amendment to the US Constitution as I have been subjected to multiple unwarranted arrests even at my home and detention simply for visiting with my own children as a result of the unconstitutional custody and protective orders issued by Pamela Scheininger. I was arrested with no warrant, no exigency, and no probable cause a clear violation of clearly established rules at the time.

Paff V Kaltenback, 204 F 3d 425, 435, cir (2000) held “the fourth amendment prohibits law enforcement from making an arrest without probable cause.”

IL V Gates, 462 US 213 (1983) held “Therefore, no body attachment, bench warrant, or arrest order may be issued from any civil case.”

My basic right to privacy under the fourth amendment has been violated as it is my wish to remain anonymous before the government. Samuel Warren and Louis Brandeis described the right to privacy as the right to be left alone, back in 1890. Amstead V US 1928 said the gov't is identified as a potential invader of privacy. The founding fathers took to secure conditions favorable to pursuit of happiness. This intrusion upon seclusion or solitude and interference into private affairs, public disclosure of embarrassing facts, or publicity which places a person in a false light in the public eye,

or appropriations of my name or likeness are deprivations of my right to keep the private; private. I have a reasonable expectation of privacy into my private life. The aforementioned deprivations have caused irreparable harm.

The government has entered my private affairs and seeks to dictate my relationship with my flesh and blood offspring depriving me fundamental first amendment protections to the parent child relationship causing irreparable harm to my family and children.

I have been deprived of the right to due process and equal protection under the law causing immediate and serious irreparable harm.

The custody and protective orders were also issued in bad faith and are causing irreparable harm to my family.

In re Gault held" it does not matter what the system calls these things what really matters is they are doing."

Wyatt V Coie, 504 US 158 (1992) 1983 is to provide remedy to parties deprived of constitutional rights by a state actor/ officials abuse of his position while acting under color of state law. Pamela Scheniniger's abuse of authority, misuse of power was only possible because she was clothed with the authority of state law.

Pamela Scheininger issued the orders for protection against me naming my offspring TN 07/03/2018 and AN 03/16/2021 on October 21, 2022 although I have never been convicted of any crime involving harming them or anyone else for that matter. The order is cruel and unusual because it separates me and my family for five years with no plan for reuniting us. The orders are not the least intrusive manner in which the government could have proceeded considering Patricia Delacruz and I were not married, and Mrs. Delacruz is not on public assistance this is a private matter, and the government did not have to take any action. Moreover, Pamela Scheininger abused the process by not dismissing the petition Sua sponte once the petition was not served within six months. Pamela Scheininger was acting under the color of law as NYC Family Court Attorney/Referee. The NYPD, and officers mentioned and yet to be named were acting under color of law by arresting me, searching, and charging me with criminal contempt, custodial interference, and child endangerment while enforcing the illegal wholly unconstitutional protection orders, and custody orders from Pamela Scheininger and the NYC Family Court. The NYC Department of Corrections were acting under color of law because they held my body for arraignment after the false arrest by the NYPD. The Department of Corrections also unlawfully searched and seized me when they took my custody from the NYPD. The NYC Department of Corrections was acting under color of



law as an administrative agency in law enforcement. On 8/27/2023 Officer Gutierrez while in uniform under color of state law witnessed other officers falsely arresting me and failed to intervene at 3240 Netherlands Ave, Bronx New York. On 8/27/2023 Officer Clores while in uniform under color of state law witnessed other officers falsely arresting me and failed to intervene at 3240 Netherlands Ave, Bronx New York. On 8/27/2023 Officer Ortega while in uniform under color of state law witnessed officers falsely arresting me and failed to intervene. Officer Lavigat on 8/27/2023 while in uniform under color of state law arrested and searched me without a warrant or witnessing me in commission of a crime enforcing the wholly unconstitutional illegal, unlawful, order of protection issued by Pamela Scheininger and the Family Court. Because of the false arrest based on the Coram Non Judice, illegal, null and void, wholly unconstitutional orders of protection I have been forced to attend criminal court numerous times before the charges were dismissed and sealed. I was threatened with arrest and a warrant if I did not attend each court date before charges were dismissed causing psychological and emotional distress. I suffered physical injury due to tight handcuffs, mental anguish, fright, shock, trauma and deprivation of my constitutional rights, among other injuries and deprivations. I suffered genuine fear of being convicted and jailed based defendant's false actions, testimony, and evidence as many other innocent people have. I have been the target of police harassment and multiple false arrests for nearly a decade since I filed a notice of claim, and ccrb report against members of the NYPD. I believe the pattern of harassment and arrest are a direct retaliation for filing those instruments. I believe Patricia Delacruz is an agent of the NYPD assigned to me to criminalize me. At all times relevant, and arresting, imprisoning, and bringing perjurious charges against me, in subjecting me to humiliating arrests and searches, the individual defendants acted maliciously, intentionally, willfully, negligently, and with reckless disregard for and deliberate indifference to my life, safety, rights, physical and mental wellbeing. Causing irreparable harm and damage. Officer Acevedo while in uniform under color of state law witnessed officers falsely arresting me and failed to intervene. Officer Pepdjonovic while in uniform under color of state law arrested and searched me without a warrant on 8/27/2023 On 5/14/2024 unidentified officers from the NYPD arrested me at home and searched me without a warrant, they were part of a warrant squad, without a uniform acting under color of state law. The State and city of New York is acting under color law because the City and State of New York authorizes Pamela Scheininger, The NYC Family Courts, The NYC Department of Corrections and the NYPD. Detective Kareem Anderson then arrested me at 100 Centre Street, the New York criminal courthouse on or about 5/16/2024 without a warrant, I was searched and seized by Detective Anderson before being brought to Bronx Central bookings where I had to sit in a car with my hands cuffed behind my back for nearly three hours waiting

to be let into the loading bay at Bronx central booking causing extreme back pain, muscle fatigue and spasms that have lasted for months. Detective Kareem Anderson was acting under color of law.

Statement of Claim:

I am being deprived of my rights under the first amendment of the US Constitution because I am not being allowed to raise my progeny as I see fit. I am being denied the freedom of expression to communicate with my offspring. I am being denied the care, custody, and control of my offspring. The order of protection and custody order issued by Pamela Scheininger of the NYC Family Court on 10/21/2022 seeks to limit places I can and cannot go, such as my offsprings school, or home, which is depriving me of my freedom of movement. I am being denied the right to practice my religion as I see fit because part of my religion is to raise my offspring in private, without government interference, regulation, or prohibition. I am being deprived of the right to peacefully assemble with my own family. My interest in my offspring is a fundamental liberty interest and not subject to arbitrary government trespass. The taking of my offspring is a substantive and procedural due process violation under my liberty interest under the first amendment. These violations constitute a violation of 18 U.S.C. 241, 242, 245 with a kidnapping enhancement. This also constitutes a violation of title 42 section 1983. I am being deprived of my rights under the second amendment to the US constitution because the order of protection issued by Pamela Scheininger and the NYC family courts eliminates my right to bear arms. The order states it is a federal crime to buy, possess, or transfer a handgun, rifle, shotgun, or firearm or ammunition while this order is in effect. I am being deprived of my right to bear arms without due process of law. I am being deprived of my rights under the fourth amendment of the US Constitution because I have been subjected to 3 arrests without warrant by the NYPD. Each time I was I was also searched, and my body was seized without a warrant, and I was forced to go to central bookings. The first time I was arrested by officers Lavigat and Pepdjonovic of the 50th precinct at 3240 Netherlands Ave in the Bronx, I had fingerprints, retina scans, and mugshots taken without my consent, and was held against my will in cental bookings which is an extremely dangerous place for days. One arrest occurred when officers from the NYPD arrived at my home located at 66 St. Nicholas Place in NY, at approximately 6a.m banged on the door announced they had a warrant and would take the door off the hinges if necessary. They were lying they did not have a warrant. I was then arrested by Detective Kareem Anderson of the 50th precinct on or about 5/16/2024 for allegedly violating the same order of protection.

Officer L. Romero shield # 13951 of the 34 precincts signed a police report (CR-0114436-24NY) containing false statements as the report states that I have signed the order of protection when I have not.

These arrests deprived me of the right to liberty. I am being deprived of my rights under the 5th amendment to the US constitution as I have been deprived of the lives of my offspring. I have been deprived of the liberty to raise, know, and have, my offspring without due process of law by Pamela Scheininger, The NYPD, and The NYC family Courts. I am being deprived of my pursuit of happiness without due process of law. My confidential information, name, image, and likeness, as well as my biological and intellectual property has been taken for public use without just compensation. There is a five year order of protection issued but none of the aggravating circumstances required were established.

I am being deprived of my rights under article 4 section 4 of the US Constitution because I am being denied a republican form of government.

I am being deprived of my rights under Article 3 Section 2 clause 1 of the US Constitution because I have not caused an injury in fact to anyone, but I am being deprived of my rights and subjected to cruel and unusual punishment this has caused serious and immediate irreparable harm, harassment and bad faith.

The family court hearing was non justiciable according to this article. There is no injury in fact; therefore, there is no standing or locus standi or corpus delicti.

I am being deprived of my rights under Article 3 Section 2 Clause 3 because Pamela Scheininger and the family court is alleging to have made findings of family violence, but this article clearly states that any criminal trials are to be by jury, so they are depriving me of this right. This clause also states that trial is to be held in the state where the alleged offense occurred, I was in the state of Georgia at the time of the alleged events. These deprivations have caused serious and immediate irreparable harm, harassment and bad faith.

I am being deprived of my rights under the sixth amendment to the US Constitution because the family court hearing was by telephone, depriving me of the right to a public trial causing serious and immediate irreparable harm.

I was denied the right to an impartial jury. I was also denied the right to know the nature and cause of the charges against me by Pamela Scheininger and the NYC Family Court.

I am being deprived of my rights under the 7th amendment to the US constitution because 5 years of my offspring lives as well as their custody is certainly worth more than \$20 dollars, and I was deprived of my right to a trial by jury in the determination of

custody, and in the issuance of the protective orders on 10/21/2022 by Pamela Scheininger and the NYC Family Courts. This has caused serious and immediate irreparable harm, bad faith, and harassment.

I am being deprived of my rights under the 8th amendment to the US constitution because Pamela Scheininger, the NYC Family courts and the NYPD are disallowing me access to my offspring for five years, and that is cruel and unusual punishment. Pamela Scheininger and the NYC Family Courts taking custody of my offspring is an excessive fine, it constitutes torture. This has caused serious and immediate irreparable harm.

I am being deprived of rights that I reserve as one of the living breathing beings, souls, or people under the 9th amendment to United States Constitution. I reserve the right to remain anonymous before the government. I reserve the right to be recognized as a human, and not be subjected to arbitrary arrest, or arbitrary interference in my private family life, or financial life. I reserve the right to raise my offspring according to laws of my GOD privately.

I am being deprived of my rights under the 13th amendment because all the previously mentioned and included deprivations has reduced my social status to slave without conviction of a crime, where I can be arrested simply for disobeying Pamela Scheininger's absurd orders not to associate with my own family. Certainly, this is not freedom. I am being forced into serving the desires of Pamela Scheininger and the NYC Family court involuntarily, the order that I stay away from my own family is being enforced under the threat, duress, and coercion of arrest and imprisonment.

I am being deprived of my rights under the 14th amendment because the State of New York has created laws that bypass federally protected rights and privileges. I am also being deprived of equal protection and due process of the law, as custody was awarded to the mother of my offspring purely based on gender.

The State of New York, its Subsidiaries, agents, employees, agents, contractors or representatives are depriving me of rights guaranteed by the United States constitution. Summarily, on November 10, 2021, the mother of my son and daughter Patricia Delacruz filed a fraudulent and misleading petition for protection against me while I was a resident of Georgia. This petition was never properly served on me. Filing a criminal complaint or family court petition that is knowingly false is a crime, and that crime has not been investigated. She also filed a petition for full custody of our children, TN 07/03/2018 and AN 03/16/2021. Mrs. Delacruz made false allegations that I have the right to trial by jury to determine guilt or innocence thereof. This petition should have been dismissed as proper service of the petition was not procured after six months. I have been deprived of procedural due process, because not only was I not notified and

given an opportunity to be heard. I was not afforded a trial by jury; however, Pamela Scheininger and the Family court has somehow found that I committed those offenses in violation of my right to a trial by jury in all criminal offenses according to article 4 section 4 and the 6th and 7th amendments of the United States Constitution. Pamela Scheininger then awarded full custody of my children to their mother awarding full custody without procedural due process constitutes kidnapping. Moreover, substantive due process dictates that State officers, agents, or employees don't have the right to violate my fundamental human rights, or fundamental liberty interests. My interests in my progeny are fundamental liberty interests and are not subject to government interference, prohibition, or regulation in any form. Pamela Scheininger court attorney/referee also placed an order of protection against me forcing me stay away from the school and home of my progeny, forcing me to refrain from having any communication with them by any means whatsoever. These invalid, wholly unconstitutional orders for protection and custody issued by Pamela Scheininger with absolutely no authority, jurisdiction, or regard for human life on 10/21/2022 in connection to docket number 0-05764-21, although it has not been signed by a judge, or served on me, or returned to the clerk are being enforced by the NYPD by arresting me each time Mrs. Delacruz reports that I allegedly speak to my offspring. On August 27, 2023, Officers Lavigat and Pepdjonovic arrested me at 3240 Netherlands Ave in the Bronx without a warrant or probable cause for allegedly violating the unlawful coram non judice unconstitutional order of protection issued by Pamela Scheininger of the NYC Family Court I was charged with criminal contempt and criminal interference those charges were dismissed on December 4, 2023. I was arrested again at my home on 5/14/2024 without a warrant or probable cause. I was charged with criminal contempt and child endangerment, and I was released from custody with mandatory visitation and telephone reporting to CASES otherwise I was threatened with going to Riker's Island to await trial. When I was released from law enforcement custody by the Manhattan Criminal Court on 5/15/2024, I was held for the Bronx Detectives and Kareem Anderson 6566 came and arrested me at 100 Centre Street for allegedly violating the same null, void, coram non judice, and unconstitutional order; However, the Bronx chose not to prosecute, and I was released from custody at Bronx central bookings mid-day on 5/16/2024. The conduct of the individual defendants as described herein amounts to invasion of privacy, unlawful search and seizure, abuse of process, kidnapping, fabrication of evidence, deprivation of property without due process of law, conspiracy against rights, and malicious prosecution in violation of 42 U.S.C. 1983 and 18 U.S.C. 241, 242, and 245 with kidnapping enhancement. Pamela Scheininger only has consent authority, and I do not consent, and I have not consented to her authority. There was supposed to be a signed stipulation stating whether she could hear and report or hear

and decide, and I never signed it. Pamela Scheininger is not a judge she has not attended Judicial Programs, so she has no authority to order a free person to do anything. There was no clear and convincing evidence submitted that I was a severe and imminent threat to anyone, as I was 1000 miles (about 1609.34 km) away in Georgia. There was no competent, clear, and convincing material evidence submitted during the fact-finding hearing that I am unfit as a parent. Moreover, I have a right to trial by jury before if I can be deprived of such liberty lawfully. The courts were physically closed. We were not able to be present in the courtroom. Material evidence could not be fairly evaluated. To justify the issuance of 5year order of protection requires "aggravating circumstances" none of which could have been truthfully substantiated. There is no stipulation that I consent to the proceedings. Good cause for aggravating circumstances must be stated on the record, whether good cause or consent, and the court must articulate the basis for its decision on the record. Default is not an option for proving aggravating circumstances. Father hood cannot be defaulted on. There has been no heightened scrutiny which is necessary whenever there is a termination, alteration, or limitation of parental rights. I have been deprived of my rights under the 1 st, 2nd,4th,5th,6th,7th,8th,9th, and 14th amendments to the United States Constitution. The officers and employees herein mentioned either participated, failed to supervise, or failed to intervene or take other action to remedy the wrongs done to me in violation of 42 U.S.C. 1983 and 18 U.S.C. 241, 242, and 245 with kidnapping enhancement. The City of New York directly caused the constitutional violations that I have suffered. Upon information and belief, the City of New York, at all times relevant herein, was aware from petitions, and notices of claims, lawsuits, complaints filed with the City, and the City's own observations, that people employed in the Family Courts, the Department of Corrections and the NYPD including court attorneys, referees, judges, police officers, corrections officers involved in the current case are unfit officers or employees with the propensity to commit the acts alleged herein. Nevertheless, the city of New York exercised extreme indifference by failing to take remedial action. The city failed to properly professionally train, supervise, discipline, and retain officers and employees, and improperly retained and utilized them. Moreover, the city failed to properly thoroughly investigate previous complaints filed against the officers and employees. The previously mentioned conduct by the City of New York violated my rights under 42 U.S.C. 1983, 1985, 1986 and the 1st, 2nd 4 th 5 th 6 th 7 th 8 th 9 th and 14th amendments to the United States Constitution and 18 U.S. Code 241, 18 U.S. Code 242, 18 U.S. Code 245 Because Pamela Scheininger and the officers involved were acting within the scope of their employment as members of the Family Court, Department of Corrections and NYPD respectively during the incidents in question the city of New York is vicariously liable under state law for false arrest, deprivations of rights without due

process of law, deprivation of property without due process of law, deprivation of liberty without due process of law, assault, battery, kidnapping, false imprisonment, deprivation of rights under color of law invasion of privacy, intrusion upon seclusion, cruel and unusual punishment, dehumanization, public humiliation, and malicious prosecution. Furthermore, the city is responsible for negligent training, discipline, supervision, and retention of officers and employees involved in the present case. The City of New York's failure to properly train, supervise, discipline, or retain its Police and employees involved herein, constitutes acquiescence in and tolerance of ongoing invasions of privacy, intrusions upon seclusion, unconstitutional searches and seizures, false arrests, false detentions, uses of force, false allegations, fabrication of evidence, abuse of process, abuse of law, kidnapping, conspiracy against rights, deprivations of rights, property, and liberty under color of law, conspiracy against rights, and allowed the individual defendants to believe that they could with impunity, search, seize, imprison, humiliate, surveil, kidnap, arrest, subjugate, brutalize, terrorize, traumatize, and otherwise abuse me and my family.

#### PRAYER FOR RELIEF

I am requesting declaratory relief that states Pamela Scheiningers orders for protection and custody in file number 314060 Docket number 0-05764-21 issued on October 21, 2022 are null and void for complete lack of authority or otherwise invalid, for coram non judice and wholly unconstitutional, non-binding, and unenforceable. They have been issued with harassment, immediate and serious irreparable harm, and bad faith.

I am requesting actual damages of \$20,000,000 USD because the loss of my offspring has been extremely traumatic for me and my entire family. It has caused serious and immediate irreparable harm. It has been life altering and traumatic for me, and my children. I have been reduced to homelessness while trying to fight to regain my rights to my offspring. I have not been able to focus on anything but getting my children back for years, these years of my offsprings infancy and childhood are worth every penny, I cannot get back the time, the memories, my daughter will only take her first step once, say her first word once, and I missed that because of the actions of the defendants, and that is my price. I missed my sons first first day of school, and so many other experiences that would be shared between a father and son. My son is my Junior, so in addition to passing on my name to him, there are things in life that I need to teach him, and I am being disallowed, this is priceless stuff, this is the entire meaning of life for me. The false arrests have eliminated my ability to find work as Financial Services representative, and I was terminated from my previous position when they got notice of my arrest on 8/24/2023, I also have not been able to work in a career field that I have been in since 2004, with a lucrative business of my own. The actions of the defendants



altered my life and my family for generations, and compensation, and damages should be for generations. I am requesting \$60,000,000 US Dollars in treble damages treble damages are 3x the actual damages, the egregious nature of the actions of the defendants justifies the award of treble damages. The defendants have violated so many of my GOD given unalienable constitutional rights, and human rights that I feel like a slave. I am requesting 20,000,000 US Dollars for punitive damages to deter the City and States of New York, The NYPD, The New York City Department of Corrections, The New York City Family Courts, and defendants named and yet to be named from ever engaging in these types of activities in the future. To force the City and States of New York to be more diligent in hiring, training, discipline, and supervision of its employees, and officers. These types of systematic deprivations are part of a habitual and routine enterprise a policy of the City of New York of violating father's, men, and thus society. They routinely and habitually award full custody to mothers to generate child support revenue. The removal of fathers from a young person's life is one of the most staggering blows a young person can be dealt, and this system routinely, wantonly, and unlawfully separates fathers from their family for monetary gain and it needs to stop. Hopefully, this will serve as a wakeup call to the City and States of New York, that The New York City Family courts need to be modernized, and father's and men's rights need to be upheld protected and respected. The family is the base unit of society, and every step should be taken to keep families together, not break them a part. The deprivation of rights, public humiliation, negligent and intentional infliction of emotional distress, invasion of privacy, kidnapping, malicious prosecution, false arrest, cruel and unusual punishments need to cease for me and every other citizen of the United States who is only guilty of producing life. Let this be a step in the right direction, I have been tortured by the defendants for years, and I pray for the requested relief in this matter so help me GOD.

Total requested monetary relief \$100,000,000 USD

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